

REMARKS

The Applicant respectfully requests reconsideration of this application in view of the following remarks. In this response, claim 1 has been amended to correct a minor informality discovered during a review of the claims. No other claims have been amended, cancelled or added. Hence, upon entry of this amendment, claims 1-3, 5-25, 30-31 and 34-47 remain pending for examination.

A **Notice of Appeal** is being submitted concurrently with this Amendment and Response to preserve the Applicant's rights. The undersigned encourages the Examiner to contact the undersigned if the Examiner believes a telephonic interview would be helpful to clarify or reduce issues for Appeal or avoid the necessity of Appeal altogether.

Claim Rejections – 35 U.S.C. §103 **Raja and Sasson**

In the Office action, the Examiner rejected claims 1-2, 4-5, 9-11, 30-31 and 47 under 35 U.S.C. §103(a) for allegedly being unpatentable over US Patent No. 6,286,049 of Rajakarunanayake et al. (hereafter "**Raja**") in view of US Patent No. 6,798,785 of Sasson et al (hereafter "**Sasson**"). The undersigned continues to respectfully disagree with the Examiner's characterization of the applicability of the combination of Raja and Sasson to the claims and below attempts to summarize and clarify the earlier presented distinctions between the claimed subject matter and the teachings of Raja and Sasson.

As explained in the previous Amendment and Response submitted on August 28, 2006 (hereafter the "**Previous Amendment and Response**"), Raja is understood to generally relate to the provision of broadband content with layer 4-7 switching to high-speed access subscribers (see Abstract). The disclosed system includes an enhanced services complex (ESC) 262 having at least one content server with Internet content stored or cached therein (see Abstract and Fig. 3). A Broadband access Gateway 260 interposed between the ISP 134 and the ESC 262 selectively routes data traffic from the CPE 110 at a client premise to an ESC content server or the ISP based upon a destination address associated with the client data packet (see Abstract, Fig. 6, and col. 10, ll. 58-67). Notably, ***Raja does not teach or reasonably suggest***

transmission of frame relay messages over the Internet. While the Examiner's stated position at pg. 3 of the Office action that "routing data between CPEs over the Internet is [sic] inherent feature," given the *focus of Raja* being *retrieval of Internet content by CPE*, it is respectfully submitted that *it is not inherent that the subscribers communicate among each other via their respective CPE.* The undersigned finds no teaching, suggestion or contemplation in *Raja* that the CPE communicate with each other at all let alone over the Internet. See Fig. 3 where it is shown that *CPE 110 are making requests for Internet content 150.* Meanwhile, *Raja* contains absolutely no teaching or reasonably suggestion regarding establishing *Virtual Circuits (VCs) between switches or a switch-to-switch signaling protocol. Rather, Raja teaches VCs "between each client and the ISP* to which the corresponding client subscribes" (see col. 1, ll. 39-41; emphasis added).

As explained in the Previous Amendment and Response, while *Sasson* describes various interworking function (IWF) scenarios and protocol data unit (PDU) formats for handling Frame Relay, including "Network Interworking" and "Service Interworking," it does not teach or suggest a particular physical location or implementation of an IWF (see col. 3, l. 66 to col. 4, l. 5; and col. 3, ll. 36-62). The undersigned acknowledges *Sasson*'s IWF facilitates communication between FR-CP 108 and 114 coupled to different frame relay networks 109 and 115, respectively; however, *Sasson* gives no details about the internal architecture of the IWF and lacks any contemplation regarding security concerns.

Before addressing the combined teachings of *Raja* and *Sasson*, the undersigned respectfully submits there is no motivation to combine *Raja* and *Sasson*. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, *there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.* Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In the present circumstances, it is respectfully submitted that the Examiner has failed to make a credible showing with respect to at least the first and second criteria. Importantly, no basis in the prior art

has been established for modifying Raja to include the teachings of Sasson. For its purported motivation to combine the references, the final Office action merely states at pg. 3:

Therefore, it would have been obvious to one having ordinary skill in the art at the time of [sic] invention was made to implement the teaching of Sasson in the system taught by Rajakarunanayake in order provides [sic] data communication of dissimilar networks where the entire frame from one network is simply enclosed in the header used by the link-layer protocol of the other network. (emphasis in original)

The undersigned respectfully points out Raja does not provide data communication among dissimilar networks using an encapsulation mechanism as eluded to by the Examiner in the above quoted portion of the final Office action. As a result, the Examiner's purported motivation to combine rings hollow. Additionally, the undersigned objects to the Examiner's remarks noted above regarding the purported motivation to combine as inaccurate, conclusory and boilerplate in nature.

Furthermore, as indicated above, Raja does not teach or reasonably suggest ISP subscribers communicating among each other over the Internet. As pointed out several times in the Previous Amendment and Response, ***Raja is focused on retrieval of Internet content 150 by subscribers*** via their respective CPE 110. Meanwhile, ***Sasson is focused on inter-FR-CP communications via the Internet***. Sasson does not relate to retrieval of Internet content by ISP subscribers. Consequently, the alleged inventive concepts described by Raja and Sasson operate in different environments having different and incompatible communication goals. For this additional reason, the undersigned respectfully submits there is no motivation to combine Raja and Sasson.

Since the references themselves do not provide the suggestion or motivation to combine, the Examiner appears to have used the Applicant's teaching and a bit of hindsight to hunt through the prior art for claimed elements. If this is not the case and to the extent the Examiner continues to rely on the combination of Raja and Sasson, the undersigned respectfully requests the Examiner to explain the rationale and the specific understanding and/or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of the claimed invention to make the combination in the manner expressly recited by the claims.

Meanwhile, the combination of Raja and Sasson, to the extent permissible, does not teach or suggest all the claim limitations. With the above brief overview of Raja and Sasson in mind, the undersigned now submits the following arguments to point out significant differences between the invention as claimed by the Applicant and the combination of Raja and Sasson.

Briefly and by way of background, embodiments of the present invention involve Internet Protocol service switches (IPSXs) having a particular architecture. Each IPSX includes a subscriber virtual frame relay switch (VS), a virtual router (VR), a firewall and an Internet Protocol Security (IPSec) module. The IPSXs encapsulate frame relay header and payload information of a frame relay message within a payload transport protocol and encrypt and authenticate all packets of the payload transport protocol to facilitate secure communication of frame relay messages among multiple subscriber terminals over the Internet.

Regarding independent claim 1, the combination of Raja and Sasson does not teach or reasonably suggest the specific switch architecture including “at least one subscriber virtual frame relay switch (VS) ... at least one virtual router (VR) ... a firewall and a security module” in which the VS is “configured to facilitate *secure communication of frame relay messages from the first user terminal to a second user terminal over the Internet*” in the manner recited. As explained above, the disclosure of Raja is focused on retrieval of Internet content 150 by subscribers via their respective CPE 110. Raja provides layer 4-7 switching and content caching within the ESC 262, but *does not describe communication among the CPEs 110*. As a result, Raja does not teach or reasonably suggest communication over the Internet let alone the required communication, encapsulation, encryption and authentication of frame relay messages over the Internet. As described above, Sasson does not address Raja’s deficiencies regarding at least encapsulation, encryption and authentication. For at least these reasons, independent claim 1 and its dependent claims, which add further limitations, are thought to be clearly distinguishable over the combination of Raja and Sasson.

Regarding dependent claim 2, the Examiner’s assertion that Raja “inherently discloses ... at least a second VR to connect the second VS to the Internet *for communications between the first user terminal and the second user terminal*” (emphasis added), the

undersigned respectfully submits a feature cannot reasonably be said to be inherent when it is directly contrary to the teachings of the reference. Again, Raja teaches CPE 110A-D request Internet content 150 from their respective ISPs (i.e., ISP 134A-B). There is absolutely no disclosure inherently or otherwise that Raja's CPE communicate among each other. Meanwhile, Sasson is not thought to address this deficiency. The Examiner does not rely on Sasson for and the undersigned can find no teaching or suggestion in Sasson regarding the recited subscriber virtual frame relay switches (VSs) or virtual routers (VRs). For at least this additional reason, dependent claim 2 is thought to be patentably distinguishable over the combination of Raja and Sasson.

Regarding dependent claim 5, the combination of Raja and Sasson does not teach or reasonably suggest the recited “***switch-to-switch signaling protocol to communicate signaling and other information between*** [virtual switches]” (emphasis added). To support his position regarding the existence of a switch-to-switch signaling protocol in Raja, the Examiner indicates “the connection-oriented packet network i.e. ATM or Frame Relay establishes Virtual Circuits between the switches” (citing the Background of Rata at col. 1, ll. 37-45). First, the Examiner mischaracterizes the relied upon portion of Raja as the relied upon portion ***does not relate to Virtual Circuits (VCs) between switches, but rather VCs “between each client and the ISP*** to which the corresponding client subscribes” (emphasis added). Second, the Examiner has not explained how such VCs equate or even relate to a “switch-to-switch signaling protocol.” For the convenience of the Examiner, the undersigned points out in the context of the present application, the switch-to-switch signaling protocol is described in paragraph [0020] as complementing and operating in parallel with the payload transport protocol. The switch-to-switch signaling protocol also is described as providing periodic synchronization among the virtual switches 110, being used to communicate status information about the different components within the system and to announce and set up the creation of new components or DLCIs for future service. While the virtual circuits described in background of Raja presumably are used to transport Internet content 150 from the Internet to the subscriber via the ATM network 230, there is no indication in the portion of Raja cited by the Examiner that the VCs “communicate ***signaling*** and other ***information***” (emphasis added) between VSs. For at least

this additional reason, claim 5 is thought to be patentably distinguishable over the teachings of Raja. Meanwhile, Sasson is not thought to address this deficiency. The Examiner does not rely on Sasson for and the undersigned can find no teaching or suggestion in Sasson regarding the recited “switch-to-switch signaling protocol”. For at least this additional reason, dependent claim 5 is thought to be patentably distinguishable over the combination of Raja and Sasson.

Regarding independent claim 30, the combination of Raja and Sasson does not teach or reasonably suggest the specific IPSX architecture recited including “a subscriber virtual frame relay switch (VS) ..., a virtual router (VR) ... a firewall and an Internet Protocol Security (IPSec) module” and “the first IPSX transmitting” an “encapsulated frame relay message over the Internet to a second subscriber terminal via an Internet Protocol Security (IPSec) tunnel between the first IPSX and a second IPSX.” For the Examiner’s convenience the undersigned points out an exemplary IPSX 108 is illustrated and described with reference to Fig. 1. As explained above, ***Raja does not describe communication among the CPEs 110*** (e.g., subscriber terminals). Meanwhile, neither Raja nor Sasson teach or reasonably disclose the IPSX architecture recited or an IPSec tunnel between subscriber terminals. For at least these reasons, independent claim 30 and its dependent claims, which add further limitations, are thought to be clearly distinguishable over the combination of Raja and Sasson.

Regarding independent claim 47, the combination of Raja and Sasson does not teach or reasonably suggest the specific frame relay over Internet Protocol (FOIP) switch architecture recited including “a subscriber virtual frame relay switch (VS) ..., a virtual router (VR) ... a firewall and an Internet Protocol Security (IPSec) module” and “the first FOIP switch transmitting” an “encapsulated frame relay message over the Internet to a second subscriber terminal via an Internet Protocol Security (IPSec) tunnel between the first FOIP switch and a second FOIP switch.” For the Examiner’s convenience the undersigned points out an exemplary FOIP switch (e.g., IPSX 108) is illustrated and described with reference to Fig. 1. As explained above, ***Raja does not describe communication among the CPEs 110*** (e.g., subscriber terminals). Meanwhile, neither Raja nor Sasson teach or reasonably disclose the FOIP switch architecture recited or an IPSec tunnel between subscriber terminals. For at least these reasons, independent

claim 47 and its dependent claims, which add further limitations, are thought to be clearly distinguishable over the combination of Raja and Sasson.

Claim Rejections – 35 U.S.C. §103
Raja and Sasson in view of Watt

In the final Office action, the Examiner rejected dependent claims 6-8 under 35 U.S.C. §103(a) for allegedly being unpatentable over Raja and Sasson in view of US Patent No. 5,781,532 of Watt (hereafter “**Watt**”). The undersigned respectfully disagrees with the Examiner’s characterization of the applicability of the combination of Raja, Sasson and Watt to the claims and below attempts to summarize and clarify the earlier presented distinctions between the claimed subject matter and the teachings of Raja, Sasson, and Watt.

As an initial matter the undersigned respectfully questions the motivation to combine the teachings of Raja, Sasson and Watt. As indicated above, there is firstly a problem with respect to motivation to combine Raja with Sasson. Similar issues arise with respect to combining Watt with Raja and Sasson. Meanwhile, the undersigned objects to the Examiner’s remarks regarding motivation to combine at pg. 7 of the final Office action indicating “[t]herefore, it would have been obvious ... includes [*sic*] the teaching of *Watt* in the system taught by [Raja + Sasson] for providing bandwidth fairly between active conversations” as inaccurate, conclusory and boilerplate in nature.

As indicated in the Previous Amendment and Response, the Examiner relies on Watt solely for its alleged teachings regarding data link connection identifier (DLCI) service parameters. The Examiner does not indicate Watt is thought to teach or suggest the specific IPSX architecture or the other limitations of independent claim 1 shown above to be missing from the combination of Raja and Sasson. Meanwhile, the undersigned has found no such teachings or suggestions in the disclosure of Watt. Consequently, in view of Watt’s failure to address the deficiencies of the combination of Raja and Sasson pointed out above, the combination of Raja, Sasson and Watt remain deficient with respect to at least the recited IPSX architecture required by claim 1. Thus, the combination of Raja, Sasson and Watt, to the extent properly combinable, would not and could not produce the Applicant’s claimed invention as

recited by dependent claims 6-8, which all properly depend directly or indirectly from independent claim 1. For at least this reason, dependent claims 6-8 are thought to be distinguishable over the combination of Raja, Sasson and Watt.

Claim Rejections – 35 U.S.C. §103
Raja and Sasson in view of Ylonen

In the final Office action, the Examiner rejected dependent claims 3, 34 and 45 under 35 U.S.C. §103(a) for allegedly being unpatentable over Raja and Sasson in view of US Patent No. 6,438,612 of Ylonen et al. (hereafter “Ylonen”). The undersigned respectfully disagrees with the Examiner’s characterization of the applicability of the combination of Raja, Sasson and Ylonen to the claims and below attempts to summarize and clarify the earlier presented distinctions between the claimed subject matter and the teachings of Raja, Sasson, and Ylonen.

As an initial matter the undersigned respectfully questions the motivation to combine the teachings of Raja, Sasson and Ylonen. As indicated above, there is firstly a problem with respect to motivation to combine Raja with Sasson. Similar issues arise with respect to combining Ylonen with Raja and Sasson. Meanwhile, the undersigned objects to the Examiner’s remarks regarding motivation to combine at pg. 7 of the final Office action indicating “[t]herefore, it would have been obvious ... provides [*sic*] the teaching of *Ylonen* especially communication over the Internet via Ipsec [*sic*] tunnel in the system taught by [Raja + Sasson] in order to comply with IEFT standard while providing cryptographic authentication and confidentiality of traffic between two communication network nodes.” as conclusory and boilerplate in nature.

As indicated in the Previous Amendment and Response, the Examiner relies on Ylonen solely for its alleged teachings regarding “two nodes communication [*sic*] over the Internet is via an Internet protocol security (IP Sec) tunnel” citing col. 2, l. 60 to col. 3, line 30. The Examiner does not indicate Ylonen is thought to teach or suggest the specific switch architecture or the other limitations of claims 1 and 30 shown above to be missing from the combination of Raja and Sasson. Meanwhile, the undersigned has found no such teachings or

suggestions in the disclosure of Ylonen. Consequently, in view of Ylonen's failure to address the deficiencies of Raja and Sasson pointed out above, the combination of Raja, Sasson and Ylonen remains deficient with respect to at least the recited switch architecture required by claims 1 and 30. Thus, the combination of Raja, Sasson and Ylonen, to the extent properly combinable, would not and could not produce the Applicant's claimed invention as recited by dependent claims 3, 34 and 45, which properly depend directly or indirectly from independent claims 1 or 30. For at least this reason, claims 3, 34 and 45 are thought to be distinguishable over the combination of Raja, Sasson and Ylonen.

Claim Rejections – 35 U.S.C. §103
Raja in view of Ylonen

In the final Office action, the Examiner rejected claims 12-14, 16-19, 21-22, 35-37 and 39-44 under 35 U.S.C. §103(a) as being allegedly unpatentable over Raja in view of Ylonen. The undersigned respectfully disagrees with the Examiner's characterization of the individual and combined teachings of Raja and Ylonen.

As an initial matter the undersigned respectfully questions the motivation to combine Raja and Ylonen. As indicated above, ***Raja does not teach or suggest ISP subscribers communicating over the Internet.*** Meanwhile, the CPE 110x, the DSLAM 122x, the ATM switches 232 and the ESC 262 are all part of or interface with an ATM network. Consequently, the only two nodes of Raja that could even be involved in an IPsec tunnel would be Broadband Access Gateways/Routers BAGs 260 and ISPs 134x. The undersigned questions the need for secure communications directly with an ISP. Meanwhile, to the extent the combination of Raja and Ylonen makes sense at all, the combination does not yield the claimed invention as the combination would simply lead to lines 254x in Fig. 3 being secure tunnels.

Regarding independent claim 12, it includes limitations similar to those discussed above with reference to claims 1, 30 and 47. For example, claim 12 requires a specific IPSX architecture and “***secure frame relay communications between the user terminals*** associated with each of the routers ***over the Internet***” (emphasis added). Consequently, the various of the

arguments presented above with reference to claims 1, 30 and 47 are thought to be applicable with respect to claim 12.

Regarding independent claim 35, it includes limitations similar to those discussed above with reference to claim 1. For example, claim 35 requires a specific FOIP switch architecture “including a subscriber virtual frame relay switch (VS) ... a virtual router (VR) ... a firewall and an Internet Protocol Security (IPSec) module for secure frame relay communications between the user terminals associated with each of the routers over the Internet.” Consequently, the various of the arguments presented above with reference to claim 1 are thought to be applicable with respect to claim 35.

As understood by the undersigned, the Examiner relies on Ylonen solely for its alleged teachings regarding “two nodes [*sic*] communication over the Internet is via an Internet protocol security (IP Sec) tunnel” citing col. 2, l. 60 to col. 3, l. 30. The Examiner does not indicate Ylonen is thought to teach or suggest the specific switch architecture or the other limitations of claims 12 or 35 shown above to be missing from Raja (with respect to claims 1, 30 and 47). Meanwhile, the undersigned has found no such teachings or suggestions in the disclosure of Ylonen. Consequently, in view of Ylonen’s failure to address the deficiencies of Raja pointed out above, the combination of Raja and Ylonen remain deficient with respect to at least the recited switch architecture required by claims 12 and 35. For at least these reasons, claims 12 and 35 are thought to be distinguishable over the combination of Raja and Ylonen.

Regarding dependent claims 14 and 37, the Examiner points to Fig. 5 of Raja to support his conclusory remark that “[Raja] discloses a payload transport protocol for communicating frame relay information between the VSs.” As indicated above, ***there is simply no teaching or suggestion in Raja that frames are exchanged among the ISP subscribers.*** Fig. 5 of Raja simply illustrates a simplified logical view of a typical IP packet payload and header. There is absolutely no suggestion in Raja that frame relay information be included within the payload (i.e., data 302) of the packet shown in Fig. 5, which is described in Raja at col. 9, ll. 2-52. For at least this additional reason, dependent claims 14 and 37 are clearly distinguishable over Raja.

Regarding dependent claims 16 and 39, the Examiner makes another unsupported statement that “[Raja] discloses the transport protocol is based on user datagram protocol (UDP/IP)” citing Fig. 5. It is respectfully submitted that Fig. 5 makes no reference to UDP and neither does the corresponding description of Fig. 5 at col. 9, ll. 2-52. For at least this additional reason, dependent claims 16 and 39 cannot be anticipated by Raja.

Regarding dependent claim 17 and 40, the Examiner mischaracterizes the teachings of Raja yet again indicating “[Raja] discloses he [*sic*] frame relay protocol is encapsulated in a frame relay over Internet Protocol (FOIP) header that is then encapsulated in UDP (FRAME RELAY protocol (layer 2) may be use [*sic*] in place of ATM protocol (known in the art as layer 2 protocol) and transmit [*sic*] over the Internet 136 using IP protocol (known in the art as layer 3 protocol)” citing Fig. 3 and col. 5, ll. 14-17. The undersigned respectfully submits Fig. 3 of Raja illustrates ATM packets may be communicated from the CPEs 110x and the ATM switches 232. However, the requests to the ISPs 134x are presumed by the undersigned to be traditional IP packets. An electronic search of Raja confirms there is not a single reference to “encapsulation” or “FOIP” anywhere in the specification, claims or figures. Meanwhile, the only reference to “UDP” in Raja is at col. 6, ll. 23-25 in which Raja states “[a]s is known in the art, layer 4-7 correspond to layers relating to the content, namely, transport (e.g., TCP or UDP), session, presentation and application layers, respectively.” This single mention of UDP is hardly a teaching or suggestion that frame relay information be encapsulated in UDP for transmission over the Internet as alleged by the Examiner. The undersigned respectfully requests the Examiner to reconsider his rejection in view of the lack of evidence to support his position.

Regarding dependent claims 18 and 41, they include limitations similar to those discussed with reference to claim 5. For example, both claims 18 and 41 require “a switch-to-switch signaling protocol (SSFOIP) to communicate signaling and other information between the different VSs and to provide periodic synchronization of the different VSs.” Consequently, the arguments and distinctions presented with reference to claim 5 are also thought to be relevant here. For at least the reasons presented above with reference to claim 5, claims 18 and 41 are thought to be distinguishable over the teachings of Raja.

Regarding dependent claims 21 and 43, the Examiner again relies on a flawed inherency argument to support his positions that the claim language is anticipated by Raja. Despite the Examiner's suggestion with respect to claims 21 and 43 that "[Raja] inherently discloses the system comprises of an operations support system (OSS), the OSS establishing a permanent virtual circuit (PVC) between each of the user terminals in a virtual private network (VPN)," the undersigned respectfully points out that Raja makes no mention of an operations support system (OSS) or a VPN anywhere in the specification, claims or figures. Meanwhile, the PVCs described in Raja are "established ***between*** each CPE 110 ***and*** the corresponding ISP 134" (emphasis added, see col. 8, ll. 29-30) ***not***, as the Examiner suggests ***between user terminals***. Consequently, for these additional reasons, claims 21 and 43 are thought to be further distinguishable over Raja.

Claim Rejections – 35 U.S.C. §103
Raja and Ylonen in view of Watt

In the final Office action, the Examiner rejected claims 15, 20, 23, 38, and 46 under 35 U.S.C. §103(a) as being allegedly unpatentable over Raja and Ylonen in view of Watt. The undersigned respectfully disagrees with the Examiner's characterization of the individual and combined teachings of Raja, Ylonen and Watt and their relevance to dependent claims 15, 20, 23, 38, and 46.

As an initial matter the undersigned respectfully questions the motivation to combine the teachings of Raja, Ylonen and Watt. As indicated above, there is firstly a problem with respect to motivation to combine Raja with Ylonen. Similar issues arise with respect to combining Watt with Raja and Ylonen. Meanwhile, the undersigned objects to the Examiner's remarks regarding motivation to combine at pg. 11 of the final Office action indicating "[t]herefore, it would have been obvious ... includes [*sic*] the teaching of *Watt* in the system taught by [Raja + Ylonen] for providing bandwidth fairly between active conversations" as conclusory and boilerplate in nature.

As indicated in the Previous Amendment and Response, the Examiner relies on Watt solely for its alleged teachings regarding data link connection identifier (DLCI) service

parameters. The Examiner does not indicate Watt is thought to teach or suggest the specific switch architecture or the other limitations of independent claims 12 and 35 shown above to be missing from the combination of Raja and Ylonen. Meanwhile, the undersigned has found no such teachings or suggestions in the disclosure of Watt. Consequently, in view of Watt's failure to address the deficiencies of the combination of Raja and Ylonen pointed out above, the combination of Raja, Ylonen and Watt remain deficient with respect to at least the recited switch architecture required by claims 12 and 35. Thus, the combination of Raja, Ylonen and Watt, to the extent properly combinable, would not and could not produce the Applicant's claimed invention as recited by dependent claims 15, 20, 23, 38 and 46, which all properly depend directly or indirectly from independent claim 12 or 35. For at least this reason, dependent claims 15, 20, 23, 38 and 46 are thought to be distinguishable over the combination of Raja, Ylonen and Watt.

Claim Rejections – 35 U.S.C. §103
Raja and Ylonen in view of Estberg

In the final Office action, the Examiner rejected claims 24-25 under 35 U.S.C. §103(a) as being allegedly unpatentable over Raja and Ylonen in view of US Patent No. 6,148,337 of Estberg et al. (hereafter "**Estberg**"). The undersigned respectfully disagrees with the Examiner's characterization of the individual and combined teachings of Raja, Ylonen and Estberg.

As an initial matter the undersigned respectfully questions the motivation to combine the teachings of Raja, Ylonen and Estberg. As indicated above, there is firstly a problem with respect to motivation to combine Raja with Ylonen. Similar issues arise with respect to combining Estberg with Raja and Ylonen. Meanwhile, the undersigned objects to the sufficiency of the Examiner's remarks regarding motivation to combine at pg. 12 of the final Office action indicating "[t]herefore, it would have been obvious ... includes [*sic*] the teaching of *Watt* in the system taught by [Raja + Ylonen] for providing bandwidth fairly between active conversations" as conclusory and boilerplate in nature.

As understood by the undersigned, the Examiner relies on Estberg solely for its alleged teachings regarding a “customer network manage [*sic*] system” to allegedly perform the functions of claims 24 and 25. The Examiner does not indicate Estberg is thought to teach or suggest the specific IPSX architecture or the other limitations of claim 12 shown above to be missing from Raja and Ylonen. Meanwhile, the undersigned has found no such teachings or suggestions in the disclosure of Estberg. Consequently, in view of Estberg’s failure to address the deficiencies of Raja and Ylonen pointed out above, the combination of Raja, Ylonen and Estberg remains deficient with respect to at least the recited IPSX architecture required by claim 12. Thus, the combination of Raja, Ylonen and Estberg, to the extent properly combinable, would not and could not produce the Applicant’s claimed invention as recited by dependent claims 24-25, which all properly depend from independent claim 12. For at least this reason, claims 24-25 are thought to be distinguishable over the combination of Raja, Ylonen and Estberg.

Conclusion

Applicant respectfully submits that the remarks have overcome the rejections, and that the pending claims are in condition for allowance. Accordingly, Applicant requests that the rejections be withdrawn and that a Notice of Allowance be issued for claims 1-3, 5-25, 30-31 and 34-47.

Appl. No. 10/067,106
Amdt. Dated March 10, 2007
Reply to final Office Action of November 16, 2006

Request for a Telephone Interview

If the Examiner believes a telephone conference would expedite prosecution of this application, reduce issues for Appeal or avoid the necessity of Appeal altogether, please telephone the undersigned at 303-284-5103.

Respectfully submitted,
HAMILTON, DESANCTIS & CHA, LLP

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By /Michael A. DeSanctis/
Michael A. DeSanctis, Esq.
Reg. No. 39,957
Customer No. 64128
Ph: (303) 284-5103